

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**RONALD PROKUPEK and
CHRISTINE McGLOTHLEN,**

Defendants.

8:08CR183

ORDER

This matter is before the court on the motion of defendant, Ronald Prokupek, to reprogress the case (Doc. [46](#)). Mr. Prokupek's pretrial motion deadline expired May 27, 2008, and he made no request of record that his deadline be tolled while co-defendant McGlothlen's pretrial motions were pending. In the interests of justice, however,

IT IS ORDERED that the Motion (Doc. 46) is granted, as follows:

1. The deadline for filing pretrial motions is extended to **January 5, 2009**, as to both defendants, and the jury trial now set for December 23, 2008 is cancelled, as to both defendants.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **December 2, 2008 and January 5, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. Defendant Prokupek shall file an affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3, as soon as is practicable.

DATED December 8, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge